

REMARKSDouble Patenting

The Examiner has provisionally rejected claims 1-25 for obviousness-type double patenting over co-pending application 11/619,202. Upon an indication that at least some claims in one of the applications are allowable, Applicant will consider whether a terminal disclaimer is appropriate. Currently, if claims in the present application were otherwise allowable, this application would have been filed first and would issue first and a double patenting rejection would not be appropriate.

Rejection under §103 over Kolls

Claims 1-25 have been rejected as obvious over Kolls (US 6,389,337).

The Examiner indicates that “claims 2-7 are realized in Figure 4 and related disclosure [of Kolls].” Applicant respectfully disagrees.

Claim 4

Kolls does not provide any user interface for associating the audio file with the vehicle function (claim 4). Kolls states that “pre-recorded audio data can include instructional prompts and sounds, as well as warning prompts and other sounds” (col. 27, lines 11-14), but Kolls only states that this pre-recorded audio data is played. There is no ability to associate the audio data with a user interface. The Examiner argues that this is disclosed in Figure 4; however, there is no indication in Kolls of any user interface for associating an audio file with a vehicle function.

Claim 5

Claim 5 depends from claim 4 and recites, “wherein the user interface further provides for the selection of the at least one audio file over a wide area network.” This is not described in Koll at all. There is no description of a user interface that permits a user to select an audio file over a wide area network and then (per claim 4) associate it with a vehicle function.

Claim 6

Claim 6 depends from claim 5 and further recites, “the user interface is provided on a user’s computer.” Kolls does not describe a user interface on a user computer (per claim 6) that provides for selection of an audio file over a wide area network (per claim 5) and then associate it with a vehicle function (per claim 4).

Claim 9-11

Claim 9 also recites “a user interface for associating the at least one audio file with the vehicle function,” which is not disclosed by Kolls. The Examiner simply states “Claims 9-14 are shown by Kolls,” without explanation or citation. Claims 10 and 11 are similar to claim 5 and 6 in that they require selection over a wide area network with a user computer.

Claim 15

Claim 15 recites that “the associated vehicle function is the locking of a remote keyless entry system.” The Examiner argues that this would be obvious over the “pager” that is disclosed by Kolls. This is not a prima facie case of obviousness, as there is no indication of how or why a pager would make a remote keyless entry system obvious. Additionally, there is no pager function

that would trigger the playback of an associated audio file, so this rejection is not understood.

Claim 16

Claim 16 recites, “the associated vehicle function is an alarm on a security system.” The Examiner references the flowchart of Figure 8B, box 726, of Kolls. Box 726 of Kolls states that, “....alarm conditions can be data communicated to a COM Device 100, an in-vehicle device 200, an internet server, an internet appliance, the police, a user, or an appropriate agency.” Box 726 does not list the audio playback system 224, or that an audio file can be selected by the user to be played by the audio playback system 224.

Claims 26-28

New dependent claims 26-28 were added in the previous amendment, but not specifically addressed in the final rejection. Claims 26 and 27 recite that the “vehicle function is the locking of a remote keyless entry system,” which, as explained above with respect to claim 15, is not disclosed by Kolls and not obvious over the pager disclosed by Kolls.

Claim 28 recites, “the storage permits modification by a user of the associating of the each at least one audio file with activation of a vehicle function.” This is not disclosed by Kolls. The Examiner has not explained the obviousness rejection of this claim, including whether the Examiner believes this limitation is found in Kolls or obvious in light of Kolls.

If the Examiner believes that some of the dependent claims argued above are allowable, the Examiner should telephone the undersigned to discuss a compromise that will allow this application to issue.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

/John E. Carlson/

John E. Carlson
Registration No. 37,794
400 West Maple, Suite 350
Birmingham, Michigan 48009
(248) 988-8681

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